



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

AAS:ICR/AFM/KCB  
F. #2018R01047

*271 Cadman Plaza East  
Brooklyn, New York 11201*

July 29, 2022

By ECF

The Honorable Arlene R. Lindsay  
United States Magistrate Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: United States v. Jack Cabasso  
Criminal Docket No. 19-582 (JMA) (ARL)

Dear Judge Lindsay:

The government respectfully submits this letter to notify the Court that at least two additional federal government agencies have received facially overbroad Rule 17 subpoenas served by defendant Jack Cabasso, and to renew the government's June 27, 2022 Motion (ECF No. 260) for an order granting interim relief by (1) staying the obligation of any recipient to respond to Rule 17 subpoenas issued by defense counsel while the Court considers whether to quash them; (2) directing defense counsel to show cause why the subpoenas they have served should not be quashed under Rule 17(c)(2) pursuant to a briefing schedule to be set by the Court; (3) directing defense counsel to provide the Court and the government with copies of any subpoenas defense counsel have already served; and (4) prohibiting defense counsel from obtaining or serving any further Rule 17 subpoenas without the prior approval of the Court.

The defendant mailed a Rule 17 subpoena to the United States Navy ("Navy") on June 30, 2022, that was accepted for service on July 7, 2022, with a return date of July 6, 2022 (attached as Exhibit D), and served a Rule 17 subpoena on the U.S. Government Accountability Office ("GAO"), a legislative branch agency, on June 29, 2022, with a return date of July 27, 2022 (attached as Exhibit E). For the reasons discussed in the government's June 27, 2022 Motion, the subpoenas served on the Navy and on the GAO are facially overbroad because they are not tailored to obtain relevant material admissible as evidence at trial, and are instead being used to circumvent the criminal discovery process to conduct a general fishing expedition.

The government understands that, pursuant to Judge Azrack's July 12, 2022 referral order, the Court has scheduled a conference for August 10, 2022, at 11:30 a.m., to address the government's June 27, 2022 Motion, and to address the July 8, 2022 motion to quash of non-party Dahua Technology USA Inc. (ECF No. 262.)

Defense counsel, however, have not yet filed any response either to the government's June 27, 2022 Motion or to Dahua's July 8, 2022 Motion, and in the absence of an order from the Court the defendant has continued to serve facially improper and overbroad Rule 17 subpoenas on other non-parties (including the subpoenas on the Navy and the GAO) and has continued to demand compliance with the improper subpoenas he has already served.

The government submits that it would be premature for the parties to meet at a conference to address the merits of these challenges to the subpoenas without a substantive response from the defendant. Accordingly, in advance of a conference to discuss this matter, the government respectfully renews its request for the interim relief described above and in its June 27, 2022 Motion, and in the proposed order that was attached as Exhibit A to the government's June 27, 2022 Motion.

Respectfully submitted,

BREON PEACE  
United States Attorney

By: /s/Ian C. Richardson  
Ian C. Richardson  
Alexander F. Mindlin  
Kayla C. Bensing  
Assistant U.S. Attorneys  
(718) 254-7000

cc: Clerk of Court (by ECF) (JMA) (ARL) (with enclosures)  
Mr. Albert Y. Dayan (by ECF and email) (with enclosures)  
Mr. Harlan Protass (by ECF and email) (with enclosures)